

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NEWMONT USA LIMITED and DAWN
MINING CO.,

Plaintiff,

vs.

AMERICAN HOME ASSURANCE CO., et
al.,

Defendants.

NO. CV-09-033-JLQ

**ORDER OF DISMISSAL OF
CERTAIN CLAIMS INVOLVING
DEFENDANTS GREAT
AMERICAN INSURANCE
COMPANY**

BEFORE THE COURT is a Stipulated Motion to Dismiss (Ct. Rec. 435), whereby Plaintiffs, Newmont and Dawn, and Defendant Great American Insurance Company, agree to the dismissal of "all claims between them" with prejudice and without the award of costs.

The parties Stipulated Motion to Dismiss (Ct. Rec. 435) is **GRANTED**. Pursuant to the stated stipulation of the parties, the claims asserted by Plaintiffs in the First Amended Complaint (Ct. Rec. 241) against Defendant Great American Insurance Company shall be **DISMISSED** with prejudice and without the award of costs or attorney fees. Defendant Great American Insurance Company remains a party to this litigation as a cross-claimant and/or cross-defendant.

IT IS SO ORDERED. The Clerk of this court shall enter this Order, enter judgment of dismissal as provided herein, and forward copies to counsel for all parties.

DATED this 17th day of September, 2010.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE